

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
Boston Division**

In re:)	
)	
SUBPOENA TO TESTIFY AT)	
A DEPOSITION IN A CIVIL)	
ACTION ISSUED TO)	Misc. No. 1:17-mc-91107-ADB
THOMAS JEFFERSON HIGH SCHOOL)	
FOR SCIENCE & TECHNOLOGY,)	Related Case: No 1:14-cv-14176-ADB
)	

[PROPOSED] ORDER

BURROUGHS, D.J.

It is hereby ORDERED that Fairfax County School Board (“FCSB”) will not be required to produce in response to the subpoena served by Students for Fair Admission (“SFFA”) documents or information that were prepared by or shared with Harvard. However, FCSB is ordered to produce the following: (1) documents from the Relevant Period prepared by FCSB concerning the racial composition of applicants, admitted persons, or enrollees to Harvard, excluding documents that merely aggregate statistical information; (2) all internal communications from the Relevant Period by or among FCSB employees or agents regarding Harvard’s use of race in the admissions process; (3) any documents from the Relevant Period that describe any alleged discrimination by Harvard against persons of Asian descent in the college admission process; and (4) all non-privileged communications during the Relevant Period concerning SFFA or this litigation. The custodians that FCSB needs to search for responsive documents under this Order are limited to the administrators and guidance counselors at TJHSST, and FCSB does not need to include as custodians the teachers or other personnel at TJHSST or personnel at any other FCSB locations. Because some of these documents might

contain personally identifiable information of students and would be subject to protection under the Family Educational Rights and Privacy Act (“FERPA”), FCSB may redact such documents to prevent or minimize the disclosure of “personally identifiable information” of students as defined by FERPA. FCSB may join in the Stipulated Protective Order Regarding Disclosure and Use of Discovery Materials entered by this Court in Case No. 1:14-cv-14176 and may request additional protections under Federal Rule 26(c) after it has identified those documents, if any, that are responsive to the subpoena.

SFFA may depose a FCSB representative on the topics listed in the subpoena, with the scope of the topics narrowed as necessary to correspond with the foregoing scope of production.

SO ORDERED

Dated: May __, 2017

ALLISON D. BURROUGHS
U.S. DISTRICT JUDGE